



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,239	10/17/2003	Reymond R. Price	A45-015-01-US	2470

22854 7590 06/09/2005

MOORE, HANSEN & SUMNER, PLLP  
225 SOUTH SIXTH ST  
MINNEAPOLIS, MN 55402

EXAMINER

NGUYEN, CHI Q

ART UNIT PAPER NUMBER

3635

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/688,239

Applicant(s)

PRICE, REYMOND R.

Examiner

Chi Q Nguyen

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/26/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Exhibit A.

**DETAILED ACTION*****Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the projection is in substantial coplanar alignment with the first channel must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Art Unit: 3635

Claim 5 is objected to because of the following informalities: the applicant is advised to take out an extra "a" on line 1. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, there is no projection shown on the top surface, where it having a first channel thus it could be in substantial coplanar with the first channel.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 16-18, 20-22, are rejected under 35 U.S.C. 102(b) as being anticipated by Zagray (US 3,534,518).

In regard claim 1, Zagray teaches interlocking building concrete block comprising a front surface, a rear surface, opposing sides having surfaces extending between the

Art Unit: 3635

front and rear surfaces, a top surface extending between the front, rear, and opposing sides, the top surface comprising a first channel 15a, and a bottom surface extending between the front, rear, and opposed side surfaces, the bottom surface in opposing relation to the top surface, the bottom surface comprising a second channel 16a and a projection 31 (figs. 1-4, col. 3, line 49).

In regard claim 2, Zagray teaches the claimed invention as stated wherein the first channel 15a extends substantially along the top surface.

In regard claim 3, Zagray teaches the claimed invention as stated wherein the second channel 16a extends substantially along the bottom surface.

In regard claim 4, Zagray teaches the claimed invention as stated wherein the first and second channels are in substantial vertical alignment with each other.

In regard claim 5, Zagray teaches the claimed invention as stated wherein one of the opposing side surfaces comprises a third channel 21a, wherein the third channel 21a extends substantially along the one opposing side surface.

In regard claim 6, Zagray teaches the claimed invention as stated wherein the third channel 21a intersects the first channel 15a (fig. 2).

In regard claim 7, Zagray teaches the claimed invention as stated wherein the third channel 21a intersects the second channel 16a (fig. 3).

In regard claim 16, Zagray teaches interlocking building concrete block comprising a front surface, a rear surface, opposing side surfaces extending between the front and rear surfaces, a top surface extending between the front surface, the rear surface, and the opposing side surface, a bottom surface extending between the front

Art Unit: 3635

surface, the rear surface, and the opposed side surface in opposing relation to the top surface, wherein one of the top, bottom, or opposing side surfaces further comprises a first channel 15a, 16a, or 21, respectively; wherein another one of the top, bottom, or opposing side surfaces further comprises a second channel 15a, 16a, or 21, respectively; wherein one of the top or bottom surfaces further comprises a projection 31, with the projection extending away from the top or bottom surface in a generally perpendicular direction (figs. 1-4).

In regard claim 17, Zagray teaches the claimed invention as stated wherein the first channel 15a and the second channel 16a (from the bottom) are substantially parallel with respect to each other.

In regard claim 18, Zagray teaches the claimed invention as stated wherein the first channel 15a and the second channel 21a (from side view) are substantially perpendicular with respect to each other.

In regard claim 20, Zagray teaches the claimed invention as stated wherein the projection 31 and one of said second channels are on the bottom side.

In regard claims 21, 22, Zagray teaches the claimed invention as stated wherein one of said opposing top, bottom, or sides further comprises a third channel 15a, 16a, or 21.

Claims 1, 8, 9, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Zagray.

In regard claims 1, 16, Zagray teaches interlocking building concrete block comprising a front surface, a rear surface, opposing sides having surfaces extending

Art Unit: 3635

between the front and rear surfaces, a top surface extending between the front, rear, and opposing sides, the top surface comprising a first channel 30, and a bottom surface extending between the front, rear, and opposed side surfaces, the bottom surface in opposing relation to the top surface, the bottom surface comprising a second channel 24a and a projection 12a (fig. 1).

In regard claim 8, Zagray teaches the claimed invention wherein the projection 12a is in substantial linear alignment with the second channel 24a.

In regard claim 9, as best understood, Zagray teaches a projection 31 is in substantial coplanar alignment with the first channel 30 (fig. 1).

In regard 19, as best understood, Zagray teaches a projection 31 is rectilinear with the channel 30.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zagray in view of Aaronson (US 1,086,975).

In regard claims 10-13, Zagray teaches the claimed invention as stated. However, Zagray does not teach specifically the front and rear surfaces have different texture and the front surface has a roughened texture, angled marginal area with respect to the front surface.

Art Unit: 3635

Aaronson teaches a building block. The block comprising a front surface, a back surface, side surfaces, a bottom surface and a top surface. The front surface having angled marginal with respect to the front surface and roughened texture 10 thus having a different texture than the back surface (figs. 1-2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Zagray with Aaronson for the front and back surfaces having different textures. The motivation for doing so would have been to differentiate between the front and the back surface during application and also enhance pleasing surface for the front surface.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zagray in view of Aaronson and further in view of Risi (US 5,622,456).

In regard claims 14 and 15, Zagray and Aaronson teach the claimed invention as stated except for the rear surface has at least one angled marginal area with respect to the front surface. Risi teaches retaining wall blocks. Each of the blocks 1 having a front surface 7, and a rear surface 9, which having angled marginal areas 11, 13, respectively (fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the Zagray's and Aaronson's blocks having an angled margin area for the rear surface. The motivation for doing so would have been to provide a nice looking for inside and outside garden wall surfaces.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zagray in view of Dawson (US 6,821,058).

Zagray teaches the claimed invention as stated except for a fastening element, which comprises a brick engaging portion and a structure-engaging portion; and the



Art Unit: 3635

fastening element prevents forward and rearward movement of a brick relative to a substructure to which it is operatively attached. Dawson teaches retaining wall block system and connector. The block 100a comprises a fastening element 700, which further including a brick or block engaging portion A (see attachment of figure 1A), a structure-engaging portion B. The fastening element 700 obviously prevents forward and rearward movement of a brick or block relative to a substructure to which it is operatively attached. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to cooperate Zagray's brick or block with Dawson for a fastening element 700. The motivation for doing would have been to provide more support for a wall system.

Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zagray in view of Dawson and further in view of Aaronson.

In regard claims 26 and 27, Zagray and Dawson teach the claimed invention as stated except for wherein at least one of the front or rear surfaces comprises at least one marginal area, wherein the marginal area is angled with respect to the front or rear surface.

Aaronson teaches a building block. The block comprising a front surface, a back surface, side surfaces, a bottom surface and a top surface. The front surface having angled marginal area with respect to the front surface (figs. 1-2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Zagray and Dawson with Aaronson for the front surface or the back surface having angled marginal area with respect to the front surface or the back surface. The

Art Unit: 3635

motivation for doing so would have been to differentiate between the front and the back surface during application and also enhance pleasing surface for the front surface.

In regard claims 28 and 29, Zagray teaches the claimed invention as stated wherein each of the block having a central vertical mortar aperture for allowing grout to run into an adjoining 4" thick block (col. 3, lines 57-61), which claimed as filler (claim 28) and the grout to run (uncured state for claim 29).

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zagray in view of Dawson and Aarson and further in view of Sherwood (US 6,298,632).

In regard claim 30, Zagray, Dawson, and Aaronson teach the claimed invention as stated except for the filler is a preformed strip material. Sherwood teaches a building block unit including strip 56A (fig. 9). At the time of the invention, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Zagray, Dawson, and Aarson with Sherwood to have preformed strip material filling in between blocks. The motivation for doing so would have been to fill up gaps between blocks thus preventing air penetrating into building unit.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Manthei, Sherwood, Bott, Besche, and Sanders teach block system.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-


Art Unit: 3635

6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

5/11/05

  
CQN

  
Naoko Slack  
Primary Examiner

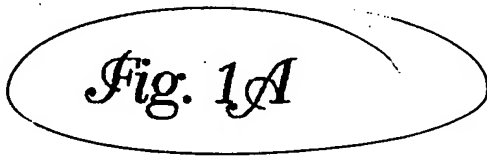


Exhibit A